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OFFICE OF PETITIONS

In re Application of	:	
Sugiura, et al.	:	
Application No. 10/759,029	:	DECISION ON PETITION
Filed: January 20, 2004	:	
Attorney Docket No. 246918US2	:	

This is a decision on the "PETITION IN RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION", filed October 4, 2004, which is being treated as a petition under 37 C.F.R. § 1.53 to accord the above-identified application a filing date of January 20, 2004, with pages 74-76 of the specification and 1 page of drawings as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on January 20, 2004. However, on August 4, 2004, the Initial Patent Examination Division mailed applicants a "Notice of Incomplete NonProvisional Application." Applicants were notified that the application papers had not been accorded a filing date because the application was deposited without drawings. In addition, the oath or declaration and the abstract were missing, and pages 74 - 76 of the specification appeared to have been omitted.

In response, applicants filed the instant petition. Accompanying the petition was a copy of 1 drawing sheet and pages 74 - 76 of the specification (page 76 included the abstract).¹ Applicants maintain that the application as originally filed included 1 page of drawings and pages 74 - 76 of the specification. In support thereof, applicants submitted a receipt identifying this application, itemizing "76 pp. Specification 20 Claims/Drawings 1 Sheet" as enclosed, bearing a United States Patent and Trademark Office date-stamp of January 20, 2004, and lacking any notation of non-receipt of any item listed.

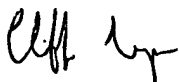
A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

Given the basis for granting the petition, no petition fee was required, and none has been charged.

Receipt of the abstract and the declaration, submitted with the instant petition, is acknowledged.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of January 20, 2004, using the application papers received in the Office on that date and pages 74 - 76 of the specification and the 1 page of drawings as resupplied on petition filed October 4, 2004, and for indication in Office records that 1 page of drawings was present on filing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

¹ Pages 74 and 75 contained claims 12 - 18.